

	Portales Police Department Standard Operating Procedure & Policy	SOP #	216.00
1700 N. Boston St. Portales NM, 88130	Digital Video & Audio Recording Policy		
(575) 356-4404		Approval:	Pat Gallegos, Chief of Police

## I. STATEMENT OF PURPOSE

It will be the policy of this Department for all sworn personnel to video and/or audio record every citizen contact while on duty. The preferred method of recording is video however, it is understood that there may be circumstances that prohibit the video recording on all contacts. The Department will make an appropriate supply of digital audio/video recorders available for employee use.

## II. DEFINITIONS

- A. Body worn and in-car video
  - 1. Video recorded by use of a Department issued Taser Axon Body camera.
  - 2. In-car video recorded by any recording system installed in a City of Portales vehicle
- B. Audio
  - 1. Digital audio recording by use of a Department issued digital audio recorder.
- C. Citizen contact
  - 1. Any contact with a citizen for any prolonged amount of time.

## III. RULES AND PROCEDURES

- A. Such issued equipment will be noted on the individual's property card maintained by the Property and Supply Officer.
- B. Personnel issued recording equipment are responsible for its maintenance.
- C. All uniformed sworn personnel will be required to carry the issued recorder(s) while on duty. The issued video recorder shall be the primary method of recording and audio only as a secondary. In-car systems are required to be activated and used while on duty and for any traffic enforcement.
- D. Personnel will use issued audio/video recorders to document all calls for service, traffic stops and citizen contacts.
- E. Recordings will only be made in connection with official law enforcement business, or when an Officer believes that the recording may be used in an administrative investigation.
- F. Although Police Officers are not required to announce to a citizen that their conversation is being recorded, personnel will truthfully respond if asked by the citizen whether or not the conversation is being recorded.

G. All recordings related to an incident report must be tagged into evidence and will be listed on the report as being tagged.

H. Digital audio/video recordings of confessions or other incidents that could be considered evidence will be handled accordingly.

I. The recording will be tagged into evidence in accordance with proper evidence procedures.

J. Dying declarations will be recorded.

K. Downloads will be conducted daily and saved in the officers folder in the "v" server and if connected to an incident they will be labeled in the following manner.

1. Beginning with the complete incident number
2. Followed by the Officer's last name
3. Ending with the type of video (Body Cam, In Car, or Interview Room)

*Example: 2016001234 McGruff Body Cam*

#### IV. PROTECTIVE USES

A. Digital audio/video recordings of contacts with the public where no arrest is made will be downloaded to the assigned server and maintained by the Supervisor for a period of thirty (30) days. More than one day of contacts may be included on one recording. Recordings where the belief that a complaint may occur will be maintained for a period of ninety (90) days.

B. A written explanation of the contents of the recording (where the officer/supervisor believe a complaint may arise) should accompany the recording, and should include:

1. The date, time, location, and name(s) of the person(s) recorded.

C. The Chief of Police retains the right to order that any such digital audio/video recording be surrendered to him immediately, with explanation.

#### V. UNAUTHORIZED USES

A. No employee shall electronically record any conversation between himself and another department Officer(s)/employee unless the other person(s) has been advised of the recording prior to its initiation, the recording is done in conjunction with a criminal investigation to which the employee has been assigned, or the recording is done in compliance with the appropriate and applicable sections of the Standard Operating Procedures Manual.

B. Nothing in this Section shall be construed to restrict the rights of any employee in the furtherance of legitimate non-department, personal interests to record conversations not in violation of applicable Federal or State law.

#### VI. PERSONAL DIGITAL AUDIO/VIDEO RECORDERS

A. The use of personal digital audio/video recorders must be authorized in writing, in advance, by the employees' Division Commander. All regulations in the Standard Operations Procedures Manual, Section 166.00, apply to the use of personal recording recorders. The

Portales Police Department will not be responsible for the cost of maintenance, damage or replacement of personal digital audio/video recorders.